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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/697,780	10/26/2000	Bruce L. Davis	60320	5578

23735 7590 08/11/2005

DIGIMARC CORPORATION
9405 SW GEMINI DRIVE
BEAVERTON, OR 97008

EXAMINER

JEAN, FRANTZ B

ART UNIT	PAPER NUMBER
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2151

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/697,780

Applicant(s)

DAVIS ET AL.

Examiner

Frantz B. Jean

Art Unit

2151

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 05/23/05
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

10

DETAILED ACTION

This office action is in response to applicant's request for consideration filed 05/23/05.

Claims 1-18 are still pending in this office action.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 05/23/05 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jansen et al. US patent number 6,243,450 (Applicants' IDS) in view of Jacobson US patent Number 6,488,205.

As per claims 1 and 5, Jansen teaches a method of accessing a web page from a publicly accessible internet device (see fig 1, col. 1 lines 19-24), comprising: presenting an object to said device (a credit card is inserted by user in the device, col. 10 line 8); sensing said object (card reader, 30 fig 4); decoding data produced by said optical sensor to yield an object identifier (the card reader presents a code to the microprocessor indicating that a credit card has been inserted in order to identify/select a payment method, col. 10 lines 8-15); consulting a first data structure associated to determine whether a web page corresponding to said object identifier is among those sponsored by a third party, so that user access to such web page is permitted without charge (col. 10 lines 1-6; col. 12 lines 34-40, the sponsor (advertiser or third party) allows the user to access the web free of charge for a preset amount of time before it begins charging the user); if so, linking to said web page, said linking including consulting a second data

Art Unit: 2151

structure to identify a web address corresponding to said object identifier, and directing a web browser to said address (vendor/sponsor service is free of charge see col. 1 lines 54-58); and if not, soliciting payment information from a user before linking to said web page and funding certain costs associated with providing the no-charge user linking to sponsored web pages by periodically charging said third party therefor (if other site beyond the vendor is visited a fee is charged to user before or after usage, see col. 10 lines 1 et seq). Jansen does not explicitly disclose that the object was sensed with an optical sensor. Jacobson discloses a sensor system that uses optical technology (108, 109, 101) to detect/sense information on an information card 111 (see col. 6 lines 30-48). It would have been obvious to one of ordinary skill in the art at the time of the invention to have combined Jacobson sensor system to Jansen in order to detect/sense a variety of encoded information on information card. One of ordinary skill in the art at the time of the invention would have used an optical sensor to detect information on an object because of its various and multipurpose uses (see Jacobson col. 6 lines 36-39).

As per claims 2-3, Jansen teaches the method of claim 1 in which said first data structure is associated with a proxy server (see fig 2), which is co-located with the device.

As per claim 4, Jansen teaches the method of claim 1 in which said first data structure is stored at a location remote from the device (26, fig 2).

As per claim 6, Jansen teaches if free access to the computer address is determined not to be permitted, informing a user that free access is not available and permitting the user to link to said computer address on a payment basis (see col. 4 lines 3-19).

As per claim 7, Jansen teaches the method of claim 5, which includes accessing a database record in accordance with said identifier, and obtaining from said database record a computer address corresponding thereto (col. 4 lines 50 et seq).

As per claim 8, Jansen teaches the method of claim 5 in which said identifier (col. 5 line 67; col. 9 lines 50 et seq) comprises said computer address.

As per claims 9 and 10, Jansen coding/decoding implicitly comprises decoding a barcode and a digital watermark (see col. 10 lines 1-22).

As per claims 11-12, Jansen implicitly teaches a computer address that is a URL associated with a root domain, and if free linking to said address is permitted, then also permitting free linking to other URLs associated with said root domain; and a computer address that is a URL associated with a root domain, and said determining includes comparing said root domain with a list of domains to which access is to be freely permitted (see col. 4 lines 29-49).

As per claims 13-14, Jansen implicitly teaches a method of claim 5 in which said determining includes checking a list comprising address data to which free linking is permitted (see col. 1 lines 54-60; col. 4 lines 3-20; col. 1-

Art Unit: 2151

7); and in which said list is stored in a data structure located remotely from said device (see also col. 9 lines 20-40).

As per claim 15, Jansen teaches a method of claim 14, which includes caching at least some data from said list at said device (see col. 4 lines 3-20; col. 5 lines 33 et seq; col. 9 lines 20-40).

As per claims 16-17, Jansen implicitly teaches a list that includes at least first and second domains, having first and second sponsors (vendors) respectively associated therewith, the method further including billing the first sponsor for free user access provided to the first domain, and billing the second sponsor for free user access provided to the second domain; and billing a sponsor a fee for access that is provided free to a user, wherein certain URLs associated with said sponsor are among computer addresses to which access is provided to users for free (see col. 4 lines 3-20; col. 5 lines 33 et seq and col. 9 lines 18-40).

As per claim 18, Jansen teaches a method of claim 17 that includes:
accessing a database record in accordance with said identifier;
obtaining from said database record a computer address
corresponding thereto; and providing at least some of said fee to an entity that maintains said database record (see col 9 lines 20 et seq and col. 5 lines 33 et seq).

Response to Arguments

Applicant's arguments filed 05/23/05 have been fully considered but they are not persuasive.

Applicants argued that Jansen does not teach: a) an optical sensor; b) and a web page sponsor by a third party, so that access to such web page is permitted without charge.

Examiner respectfully submits that Applicants' interpretation of the prior art is inaccurate. As per the optical sensor, the argument is moot. A new rejection has been formulated, which meets this particular limitation (see rejection above).

As per item b), Jansen teaches a sponsor web site where service is permitted without charge for a preset period of time (see col. 10 lines 1 et seq; col. 12 lines 34-40). Accordingly, the rejection is maintained.

The following prior art contains limitations that are relevant to the claimed invention. Applicant is requested to consider the prior art of record upon responding to this office action.

King et al (6,904,450) discloses a web page sponsor by a third party, so that access to such web page is permitted without charge (see col. 16 lines 35 et seq).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantz B. Jean whose telephone number is 571-272-3937. The examiner can normally be reached on 8:30-6:00 M-f.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on 571 272 3939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Frantz Jean


FRANTZ B. JEAN
PRIMARY EXAMINER